

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CR No: 04-0044-SI
	)	
Plaintiff,	)	
	)	UNSEALING APPLICATION AND
v.	)	PROPOSED ORDER
	)	
VICTOR CONTE, et. al.,	)	
	)	
Defendants.	)	

The United States, by and through Joseph P. Russoniello, United States Attorney, and Jeffrey D. Nedrow, Assistant United States Attorney, hereby moves the Court for an order unsealing Docket # 101 in this file, the affidavit signed by Special Agent Jeff Novitzky and filed on July 13, 2004.<sup>1</sup> The United States had previously requested sealing of this affidavit because at the time the affidavit was filed, it addressed confidential matters regarding the handling of grand

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<sup>1</sup>The government previously submitted a similar version of this application and order for the unsealing of an affidavit dated July 6, 2004. The July 6, 2004 date, however, was in error; there was no affidavit submitted on that date. The instant application and order contain the correct date for the affidavit of July 13, 2004, the date the subject affidavit was actually filed. The government apologizes for any inconvenience caused by this error.

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jury transcripts in the original Balco case. As the unauthorized leak of grand jury material which caused the filing of the affidavit has long since been resolved, there is no longer a need to maintain this affidavit under seal.

DATED: February 17, 2009

Respectfully submitted,

JOSEPH P. RUSSONIELLO  
United States Attorney

/s/  
MATTHEW A. PARRELLA  
JEFFREY D. NEDROW  
JEFFREY R. FINIGAN  
J. DOUGLAS WILSON  
Assistant United States Attorneys

**ORDER**

In light of the government's motion, and for the reasons stated therein, the affidavit signed by Special Agent Jeff Novitzky and filed under Docket # 101, dated July 13, 2004, is hereby ordered unsealed.

IT IS SO ORDERED.

DATED: \_\_\_\_\_, 2009



SUSAN ILLSTON  
United States District Judge

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